

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-4, 6-14, 16-21, and 23-31 are currently pending. Claims 27-31 have been added by the present amendment. The additions to the claims are supported by the originally filed specification and do not add new matter.¹

In the outstanding Office Action, Claims 1-4, 6-14, 16-21, and 23-26 were rejected under 35 U.S.C. § 112, second paragraph, regarding the phrases “relationships among bio-information” and “on the basis of”; and Claims 1-4, 6-14, 16-21, and 23-26 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0197967 to Scholl et al. (hereinafter “the ‘967 application”).

REJECTION UNDER 35 U.S.C. § 112

Regarding the rejection of Claims 1-4, 6-14, 16-21, and 23-26 under 35 U.S.C. § 112, second paragraph, the Office Action asserts that the phrase “relationships among bio-information” is unclear because there is no definite explanation of the term “relationship” within the specification and dependent claims. Further, the Office Action asserts that the phrase “on the basis of” renders the claims indefinite since it is unclear as to what extent the images are created dependent on the bio-information.²

However, it is respectfully submitted that Claims 1-4, 6-14, 16-21, and 23-26 are merely broad in this regard and are not unclear. For a non-limiting example, Applicants’ specification discloses that an image display device 20 displays an image reflecting the relation among persons, the relation among persons including a relation between persons’ locations, a relation in synchronization between data, a relation between environments around

¹ See, e.g., page 18, line 15 to page 20, line 11 of Applicants’ specification.

² See Office Action dated August 20, 2008, pages 2 and 3.

the persons, a relation between emotions of the persons, etc.³ It is respectfully submitted that one of ordinary skill would clearly understand the relationships among bio-information on the plurality of persons under measurement, and generating an image on the basis of those relationships, as recited in independent Claims 1, 11, 19, 25, and 26.

Accordingly, Applicants respectfully traverse the rejection of Claims 1-4, 6-14, 16-21, and 23-26 under 35 U.S.C. § 112, second paragraph, as being indefinite.

REJECTION UNDER 35 U.S.C. § 102

I. Rejections of independent Claims 1, 11, 19, 25, and 26.

Previously presented Claim 1 is directed to an image displaying system, comprising:

- a plurality of bio-information acquiring devices including
 - means for measuring bio-information on each of a plurality of persons under measurement, and
 - means for transmitting the bio-information; and
 - an image display device including
 - receiving means for receiving the bio-information on the plurality of persons under measurement, transmitted from each of the plurality of bio-information acquiring devices,
 - image generating means for generating an image on the basis of relationships among the bio-information on the plurality of persons under measurement received by the receiving means, and*
 - display means for displaying the image,
- wherein the plurality of bio-information acquiring devices and the image display device are located in different places and connected to each other via a network.

Regarding the rejection of Claim 1 under 35 U.S.C. § 102(b), the '967 application is directed to a communication system with system components for ascertaining the authorship of a communication contribution. In particular, the '967 application discusses that a text

³ Id. at page 18, lines 15-18.

contribution 41 is provided with a so-termed emoticon 35 (e.g., a picture of a smiling face).

The '967 application discusses that such aids may be used, for example, for indicating the mood of a communication participant to the other participants. The '967 application further discusses that such moods may be either put in explicitly by an originator of a contribution or be determined by a pattern recognition system.⁴

The Office Action cites the '967 emoticon for teaching the claimed image generating means. In particular, the Office Action asserts that "[t]he displayed emoticon is a result of the mood of the user, which is affected by the user's conversation with remote users, and therefore is determined 'on the basis of relationships among the bio-information' of the users."⁵

However, it is respectfully submitted that the '967 application fails to disclose image generating means for generating an image on the basis of relationships among the bio-information on the plurality of persons under measurement received by the receiving means. Rather, as noted in the Office Action, the '967 application simply discusses that the emoticon 35 indicates the mood of a communication participant.⁶ Even assuming arguendo that the mood of the communication participant is affected by the participant's conversation with remote participants, as asserted in the Office Action, the '967 emoticon is only based on the mood of the communication participant that is either put in explicitly by that participant or determined by a pattern recognition system. The '967 application does not disclose that the emoticon is based on ***relationships among the bio-information of the plurality of persons*** under measurement ***received by the receiving means*** (from each of the plurality of bio-information acquiring devices), as defined in Claim 1.

Accordingly, Applicants respectfully traverse the rejection of Claim 1 (and all associated dependent claims) as being anticipated by the '967 application.

⁴ See '967 application, paragraph [0033].

⁵ See Office Action dated August 20, 2008, page 5.

⁶ See '967 application, paragraph [0033].

Amended Claim 11 recites, in part,

image generating means for generating an image on the basis of relationships among the bio-information on the plurality of persons under measurement received by the bio-information receiving means.

Amended Claim 19 recites, in part,

generating an image on the basis of relationships among the bio-information of the plurality of persons under management received in the receiving.

As noted above, the '967 application fails to disclose the image generating means recited in Claim 1. Thus, the '967 application fails to disclose image generating means and generating an image, as recited in Claims 11 and 19, respectively. Accordingly, Applicants respectfully traverse the rejections of Claims 11 and 19 (and all associated dependent claims) as being anticipated by the '967 application.

Previously presented Claims 25 and 26 recite limitations analogous to the limitations recited in Claims 1 and 11, respectively, but in non-means-plus-function format. Accordingly, for reasons analogous to the reasons stated above for the patentability of Claims 1 and 11, Applicants respectfully traverse the rejections of Claims 25 and 26 as being anticipated by the '967 application.

II. Rejections of dependent Claims 2-4, 6-10, 12-14, 16-18, 20, 21, 23, and 24.

Regarding the rejections of dependent Claims 2-4, 6-10, 12-14, 16-18, 20, 21, 23, and 24 under 35 U.S.C. § 102(b), it is noted that MPEP § 2131 provides that “[a] claim is anticipated **only if each and every element as set forth in the claim** is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

It is respectfully submitted that the Office Action fails to disclose the more detailed features of dependent Claims 2-4, 6-10, 12-14, 16-18, 20, 21, 23, and 24. Further, the Office Action does not provide any explanation as to how each and every element as set forth in those dependent claims is found in the '967 application.

For example, it is noted that Claim 2 recites that the image generating means generates *an image representing conditions of the plurality of persons* under measurement. Claim 3 recites that the plurality of bio-information acquiring devices include environmental information measuring means for quantitatively measuring environmental information of *environments around the plurality of persons* under measurement. Claim 4 recites that the displaying means generates images of *pseudo creatures* representing a condition of each of the plurality of persons under measurement, and *displays the plurality of pseudo creatures simultaneously*. Claim 7 recites that the image display device includes touch detecting means for detecting *a touch with the displaying means* and that each of the plurality of bio-information acquiring devices includes a cutaneous-stimulus giving means. Claim 9 recites that the image generating means generates images representing conditions of the plurality of persons under measurement *and environments around the plurality of persons* on the basis of bio-information and environmental information read by the read-out means. Claim 10 recites that the image display device includes speech generating means for *generating a speech representing conditions of the plurality of persons* under measurement on the basis of the bio-information, and speech output means for outputting the speech.

Accordingly, should the Examiner wish to maintain the rejections of dependent Claims 2-4, 6-10, 12-14, 16-18, 20, 21, 23, it is respectfully requested that the Examiner provide references disclosing each limitation in every claim. Further, it is respectfully requested that these rejections specifically point out, such as by column and line number, where in each reference each limitation of the claims can be found.

CONCLUSION

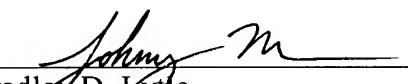
The present amendment also sets forth new Claims 27-31 for examination on the merits. No new matter has been added. It is respectfully submitted that these more detailed features are not disclosed or suggested by the '967 application.

Thus, it is respectfully submitted that independent Claims 1, 11, 19, 25, and 26 (and all associated dependent claims) patentably define over the '967 application.

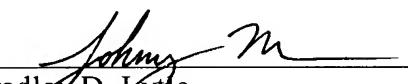
Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073



Johnny Ma
Registration No. 59,976

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)